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20 UNITED STATES DISTRICT COURT  
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
22 SAN FRANCISCO DIVISION

23 AMERICAN FEDERATION OF  
24 GOVERNMENT EMPLOYEES, AFL-CIO;  
25 AMERICAN FEDERATION OF STATE  
26 COUNTY AND MUNICIPAL EMPLOYEES,  
27 AFL-CIO, et al.,

28 Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL  
MANAGEMENT, et al.,

Defendants.

Case No. 3:25-cv-01780-WHA

**SUPPLEMENTAL DECLARATION OF  
ERIK MOLVAR**

1 **SUPPLEMENTAL DECLARATION OF ERIK MOLVAR**

2 I, Erik Molvar, declare as follows:

3 1. I am the Executive Director of the Western Watersheds Project (WWP), which is a  
4 Plaintiff in this action. This declaration supplements my previous declarations (Dkt. 18-13, 39-2).

5 2. Since I submitted my Supplemental Declaration dated February 26, 2025, WWP has  
6 identified further harms to its conservation work that are already occurring or are highly likely to  
7 occur as a result of the mass termination of probationary employees at several federal agencies that  
8 WWP regularly interfaces with in support of our conservation work.

9 3. WWP relies on drought data collected and curated by the National Weather Service,  
10 which is a part of National Oceanic and Atmospheric Administration (“NOAA”), to support our work  
11 in connection with livestock grazing on federal lands. In particular, WWP has long advocated for  
12 federal agencies to reduce livestock levels in response to drought, recommending the use of the  
13 Drought Monitor, an asset maintained by NOAA. We regularly use this comprehensive public  
14 information source to inform our analysis of areas that are now affected, or are predicted to be  
15 affected by drought, and use that analysis to support our lobbying efforts with Congress and federal  
16 agencies to promote environmentally protective policies around grazing. The agency’s Drought  
17 Index and related tools are essential to our work, and there is no comparable public source of  
18 nationwide drought information. We are concerned that job losses within NOAA will interrupt the  
19 availability of the Drought Monitor data and thereby impair our efforts to persuade agencies to  
20 respond effectively to drought to prevent deterioration of federal public lands.

21 4. Similarly, NOAA also produces a number of reports on climate change, an issue that  
22 WWP raises frequently to highlight the cumulative effects of livestock grazing, oil and gas  
23 development, and other permitted uses on federal lands. For example, climate change is at the heart  
24 of WWP’s legal challenge to the 2015 West-wide sage grouse plans. WWP was a plaintiff in  
25 litigation regarding these sage grouse plans, in which the plaintiffs argued that the Bureau of Land  
26 Management (“BLM”) had failed to complete an adequate cumulative impacts analysis, including the  
27 cumulative impacts of climate change on sage grouse and their habitats. WWP, together with other  
28 plaintiffs, won a preliminary injunction blocking the first Trump administration’s gutting of sage

1 grouse protections in 2019. *See generally Western Watersheds Project et al. v. Bernhardt*, D. Idaho  
2 Case No. 1:16-cv-00083-BLW (Winmill, J.). We rely regularly on NOAA's climate information to  
3 perform the analysis necessary for cases like that one.

4 5. WWP also regularly relies on the National Marine Fisheries Service ("NMFS"),  
5 another component agency of NOAA, on conservation of anadromous fishes. NMFS oversees the  
6 listing and recovery of marine species under the Endangered Species Act, including salmon runs on  
7 the Columbia and Snake Rivers and coho and chinook salmon runs in Point Reyes National Seashore.  
8 WWP has advocated strongly for dam removal on the Snake and Columbia in the context of the U.S.  
9 Army Corps of Engineers' dam operations plan, and lobbied Rep. Mike Simpson (R-Idaho) to seek  
10 removal of these dams (which he did seek to do), to promote the recovery of those salmon runs. We  
11 also advocated for removal of livestock from Point Reyes National Seashore, which is managed by  
12 the National Park Service ("NPS"), in part to restore spawning habitats for ESA-listed salmon and  
13 steelhead, and litigated the NPS plan for Point Reyes, which resulted in a settlement ending several  
14 cattle operations in the area. The loss of so many employees from NOAA will impair the agency's  
15 ability to list and recover anadromous salmon and steelhead populations, undermining our successful  
16 conservation work with these species.

17 6. It has been widely reported that hundreds of probationary employees have been  
18 terminated in recent weeks, out of a total NOAA workforce of about 13,000, as part of the mass  
19 termination of probationary workers challenged in this case. *See, e.g.,*  
20 <https://www.nytimes.com/2025/02/27/climate/noaa-layoffs-trump.html>. The loss of such a large  
21 percentage of NOAA's workforce will inevitably impair NOAA's ability to provide the public data  
22 that WWP relies on. Further, those staffing reductions will impair our ability to work with NMFS on  
23 the recovery of marine species (anadromous fishes in particular), to the detriment of WWP's mission  
24 to protect and restore them.

25 7. WWP holds a state grazing lease on Champion Creek, which is embedded within the  
26 Sawtooth Valley National Recreation Area ("SNRA") near Stanley, Idaho. The SNRA is  
27 administered by the U.S. Forest Service. WWP acquired this grazing lease as part of our mission to  
28 preserve and restore land from overgrazing that had badly damaged riparian habitats. Even over the

1 short span of three growing seasons, our recovery efforts have substantially restored this riparian  
2 habitat, providing high quality habitat for numerous species, including salmon and steelhead  
3 spawning habitat. This highly effective conservation work is threatened by the termination of Forest  
4 Service employees in the SNRA, which is likely to result in a lack of Forest Service oversight of  
5 cattle grazing on Forest Service lands upstream.

6 8. Our Operations Director, who is based in Hailey, Idaho, has reported to me that due to  
7 terminations of the Forest Service employees who run the SNRA in recent weeks, the SNRA's  
8 Stanley office has been closed to the public, and the main office staff has dwindled to a single  
9 employee. The federal employee in charge of regulating development on lands where conservation  
10 easements apply in the SNRA also was fired, so today there is no compliance check on the terms and  
11 conditions of conservation easements in SNRA. We are concerned that the mass termination of  
12 probationary Forest Service staff will result in poorer oversight of livestock grazing on Forest Service  
13 lands, impairing salmon and steelhead spawning habitats in Champion Creek that we are actively  
14 leasing lands to protect, and undermining WWP's painstaking work of the past three decades. When  
15 cattle graze excessively in riparian (streamside) habitats, where they tend to congregate under lax  
16 management, they denude streamside vegetation and cause erosion and siltation from the  
17 streambanks, which smothers salmon and steelhead spawning gravels, depriving the eggs of the  
18 oxygen they require to hatch.

19 9. Our conservation work in Canyons of the Ancients National Monument ("Canyons"),  
20 operated by the BLM near Dolores, Colorado, is highly likely to suffer as a result of the summary  
21 termination of the rangeland management specialist working at Canyons and in the BLM Tres Rios  
22 field office. The rangeland management specialist's job is to review, renew, and update grazing  
23 permits on BLM lands in the area. The job, when properly performed, includes incorporating the  
24 most up-to-date science of rangeland ecology and restoration practices to facilitate ecologically sound  
25 stewardship of rangeland resources. This position in Tres Rios was exceptionally difficult to fill and  
26 had gone vacant for more than a year after the retirement of the previous rangeland management  
27 specialist connected to that office. Because of that long vacancy, there is a substantial backlog of  
28 permit renewals and land health evaluations to be processed. The position was finally filled in

1 December 2024, with a highly qualified individual. But that employee was just fired on February 18,  
2 2025, solely because he was in his probationary period. As a result of this extended vacancy,  
3 livestock grazing leases stand to be renewed without the customary environmental review and under  
4 their original terms and conditions, per Section 402(c)(2) of the Federal Lands Planning and  
5 Management Act, rather than receiving an environmental analysis with the possibility of adjustments  
6 to the timing and numbers of livestock that are permitted. This will extend harmful impacts of  
7 problematic livestock grazing in Canyons, rather than correcting ecologically damaging problems  
8 caused by inappropriate grazing.

9 10. The wildlife biologist at the Los Padres National Forest, which is administered by the  
10 U.S. Forest Service, was fired as part of the mass termination of probationary employees. The loss of  
11 an employee in this position will result in reduced ability to manage several imperiled species,  
12 including the California condor, spotted owl, arroyo toad, and California red-legged frog. The  
13 reduced ability of the Forest Service to manage those rare species and their habitats will directly  
14 impair WWP's conservation efforts in Los Padres. WWP specifically advocates on behalf of the red-  
15 legged frog and spotted owl, and participates in the environmental review process, commenting on  
16 National Environmental Policy Act (NEPA) documents on the Los Padres National Forest and filing  
17 occasional appeals. For example, WWP joined several other environmental groups in an appeal of  
18 the Happy Canyon grazing allotment, which resulted in an improved decision benefitting the  
19 California red-legged frog. On Monday, March 3, an official at the Los Padres National Forest  
20 informed me that the agency would be unable to undertake environmental assessments and process  
21 NEPA reviews in the absence of a wildlife biologist on staff.

22 11. In one pointed example of the effect of the summary terminations on WWP's work,  
23 WWP's Arizona-New Mexico Director was scheduled to participate in a BLM-sponsored field trip on  
24 February 19-21 together with BLM staff and other stakeholders to view Assessment, Inventory and  
25 Monitoring ("AIM") plots and begin the Land Health Evaluation process. AIM is a comprehensive  
26 system of standards for assessing natural resource conditions and trends on public lands managed by  
27 the BLM. The BLM employee who was supposed to lead this trip was fired on February 14. As a  
28 result, the trip participants were only able to visit less than half of the grazing allotments/AIM sites

1 originally planned. This means that WWP was unable to obtain the information it needs to conduct  
2 its ongoing conservation work in the area.

3 12. WWP also relies heavily on scientific research performed by other federal agencies in  
4 its work. The quality and availability of that research is threatened by the mass termination of  
5 probationary employees.

6 13. For example, a scientist from the U.S. Geological Survey has been working in Oregon  
7 on a study to document the role of fire on rangeland health and cheatgrass invasion in the context of  
8 drought. This scientist was at the beginning of what could have been a very productive career, but  
9 was fired in February 2025 because he was probationary. His study has now been abandoned. I  
10 recently authored a comprehensive synopsis of the scientific literature regarding cheatgrass invasion  
11 and its impact on ecosystems on behalf of WWP, based on scientific findings produced by USGS and  
12 other institutions. I can no longer rely on what would have been his valuable work on cheatgrass to  
13 advocate for improvements in federal land management.

14 14. Similarly, WWP regularly uses research funded by the National Science Foundation to  
15 advocate for protection and restoration of wildlife and public lands. This includes: NSF-funded  
16 Mexican wolf genetics research, which WWP has repeatedly cited in our efforts to advance Mexican  
17 wolf recovery; NSF-funded research on the evolution of horses in North America, which WWP has  
18 used in our advocacy for ecologically sustainable management of wild horse populations; and NSF-  
19 funded research into the effectiveness of native carnivores in reducing Chronic Wasting Disease in  
20 deer and elk populations, which WWP has cited repeatedly in our advocacy in favor of restoration of  
21 native carnivores like wolves and mountain lions, to name a few. WWP relies heavily on science to  
22 advocate for protection and restoration of wildlife and native ecosystems, and each study is unique  
23 and irreplaceable. WWP cites scientific studies in our Endangered Species listing petitions (based  
24 entirely on science), in our comments on environmental reviews for federal land-use plans, industrial  
25 projects, and grazing permit assessments, in public advocacy presentations, and myriad other efforts.  
26 The termination of many program officers at NSF is likely to lead to the interruption or cancellation  
27 of scientific studies such as these, and will deprive WWP of the scientific knowledge needed to  
28 advocate for improved conservation efforts by federal and state agencies. While NSF announced on

1 March 3 that it is rehiring probationary employees in response to this Court's February 28, 2025  
2 order, we remain concerned that their jobs, and the scientific work they support, are in peril, and that  
3 is likely to impair our own work.

4 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
5 and correct. Executed this 6th day of March 2025 in San Rafael, California.

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9 Erik Molvar  
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